

PUBLIC CHAPTER NO. 87

HOUSE BILL NO. 145

By Representatives McDonald, Mike Turner, Williams, Baird, Lollar, Bell, Floyd, Montgomery, McCormick, Swafford, Harrison, McDaniel, Vaughn, Mumpower, Hill, Fitzhugh, DuBois, Campfield, Hensley, Phillip Johnson, Hawk

Substituted for: Senate Bill No. 135

By Senators Jackson, Kilby

AN ACT to amend Tennessee Code Annotated, Title 70, Chapter 5, relative to the Tennessee Wildlife Resources Agency.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 70-5-101, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) A violation of subsection (b) is a Class C misdemeanor.

SECTION 2. Tennessee Code Annotated, Section 70-5-101, is amended by adding the following as a new, appropriately designated subsection:

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(1) Subject to existing rights, lands managed by the wildlife resources agency shall be open to access and use for recreational hunting and fishing except as limited by the agency for reasons of public safety, homeland security, or as otherwise limited by law.

(2) For the purposes of this act, lands managed by the agency include lands owned by the agency, as well as lands owned by other public entities for which the agency regulates hunting and fishing.

(3) The agency shall exercise its authority to manage lands in a manner to support, promote and enhance recreational hunting and fishing opportunities to the extent authorized by law.

(4) The agency is not required to give preference to hunting and fishing over other uses or priorities established by state law.

(5) Agency decisions and actions shall not result in any net loss of any acreage available for hunting and fishing opportunities.

(6) Prior to January 1 of 2008, and each year thereafter, the agency shall submit to the chairman of the house conservation and environment committee and the chairman of the senate environment, conservation and tourism committee a written report containing:

(A) The estimated acreage managed by the agency that has been closed to recreational hunting and fishing during the previous fiscal year and the reasons for such closures;

(B) The estimated acreage managed by the agency that was opened to recreational hunting and fishing to compensate for the estimated acreage that was closed during the previous fiscal year; and

(C) The estimated acreage of new public hunting and fishing lands added to the existing hunting and fishing lands base since the previous report.

(7) When lands owned by the agency are closed to hunting or fishing, the agency shall mitigate such closure by opening new lands to be used for the same purpose, within twelve (12) months of closure. The managed lands to be opened shall be at least equal to the acreage of lands closed by the agency and shall be located in the same grand division of the state in which the closed lands are located. The agency shall not be responsible for mitigation of land closures when lands not owned by the agency are removed from the agency's control or closed to hunting and fishing by the owning entity.

(8) The agency is exempt from the provisions of this act when closing or utilizing acreages of public hunting and fishing lands for the following purposes:

(A) Firearm and archery shooting ranges;

(B) Road development and maintenance;

(C) Service buildings;

(D) Administrative buildings;

(E) Creation of agency lakes;

(F) Agency project-related parking;

(G) Establishment of wildlife refuges; and


(H) Development and maintenance of a proposed or existing greenway connecting Davidson, Wilson and Rutherford counties on land which is owned by the Nashville district of the United States army corps of engineers.

(9) This act shall have no effect on the agency's authority or ability to regulate hunting and fishing, including its ability to set season times and lengths, and bag limits.

(F)

SECTION 3. This act shall take effect July 1, 2007, the public welfare requiring it.

PASSED: April 23, 2007


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY, SPEAKER
SENATE OF THE SENATE

APPROVED this 7th day of May 2007


PHIL BREDESEN, GOVERNOR